

### **REMARKS**

Applicant has amended claims 1 and 15 to more clearly define the present invention.

Review, reconsideration and allowance of claims 1-29 are respectfully requested. No new matter has been added.

### **THE PRESENT INVENTION**

The present invention concerns a flashlight, which comprises a body portion having opposing sides, a forward end and a rearward end. The rearward end comprises a split ring portion that is formed from elements of the body. The split-ring clip portion being formed by a first arm and a second arm, the arms being integral with the body, each projecting from one of the opposing sides of the body such that the first arm and second arm overlies one another to operatively form a ring clip. The flashlight includes a switch configured to operatively couple a power source, carried within the flashlight, with the light source of the flashlight, also carried by the flashlight.

### **THE CITED ART, SPECIFICALLY THE YU ET AL AND HSU REFERENCES**

The Office Action has rejected claims 1-3, 5 and 9 under 35 USC Section 102(b) as being anticipated by Yu et al (U.S. Patent No. 6,299,323) and then rejected claims 1, 4, 10, 11, 15-19 and 23 under 35 USC Section 103(a) as being unpatentable over Hsu (U.S. Patent publication No. 2003/0137833) in view of Vandebelt et al (U.S. Patent No. 5,463,539). Both Yu et al and Hsu teach flashlights of the type shown in the present invention but neither, alone or together teach the specific ring clip of the present invention. Further, there is no teaching in either

reference or any of the other cited references that would lead a person having ordinary skill in the art to arrive at the specific novel flashlight and ring clip of the present invention.

The Office Action notes that Yu et al. has a spring clip (32). However, and as amended, the claims of the present application detail a type of clip not shown in Yu et al. Yu et al. in fact, shows a key ring holder of a type well known in the art that is comprised of a separate spring portion and an arm portion. Spring portion 32 is of a type that can be released with simple force directed at the spring, thereby not enabling the device of Yu et al. to hold an item in the manner and with the strength created by the clip created in the present invention. Further, as the clip of the present invention is formed entirely integral with the body of the flashlight as a portion of the body of the flashlight, the construction and assembly of the device of the present invention is vastly simplified while providing a stronger clip element. The clip element of the present invention requires a specific purpose by the user to remove a key from the clip, wherein in Yu et al, the removal of a key, or other object, can be easily done accidentally; causing the loss of the key or other item attached thereto.

As presently amended, the clip of the device of the present invention is clearly different than the key holder of Yu et al. and has specific and decided improvements over any clip and flashlight combination shown.

With respect to the section 103(a) rejections, Applicant respectfully notes first that, as noted above, the combination of Hsu and Yu et al does not teach the device of the present invention as now claimed. Further, Applicant disagrees with the Office Action's characterization of the material used in the formation of the top and bottom portions of the flashlight of Hsu. As clearly explained in Hsu the material is plastic and the flashlight is formed with specific structural elements, rings 61, which permit the section to flex so that the appropriate circuit can

be engaged. Hsu specifically notes in paragraphs 29 and 30 that these structures are provided so that the flashlight cannot be accidentally turned on while in a pocket. Figure 6 shows that the material forming the bottom portion of the flashlight and the switch portion are the same such that it is thereby demonstrated that the material is not elastomeric. Were the material elastomeric, any pressure on any point, top or bottom of the flashlight, would cause the circuit therein to engage, wasting battery power in a pocket -- a condition that Hsu specifically addresses as not possible with the device of his invention. Hsu does not teach the use of elastomeric materials and does not teach the ring-clip of the present invention. The combination of Yu et al and Hsu, therefore, clearly would not produce the device of the present invention and a person having ordinary skill in the art would not be lead to arrive at the device of the present invention though the combination of these references.

**THE COMBINATION OF YU ET AL AND GUTHRIE, ALTMAN AND/OR HSU DOES NOT TEACH THE PRESENT INVENTION**

The Office Action rejects claims 6-8, 12-14, 20-22 and 24-29 over various combinations of the above noted references. Applicant respectfully submits that these claims are all dependent on independent claims that have all been demonstrated here to be new, novel and not taught by the main references. The addition of elements of Altman and/or Guthrie do not overcome the major patentable differences shown by the independent claims of the present invention as amended.

**CONCLUSION**

Applicant has removed the designation "momentary contact" from the term "switch". It is believed that the amendments made clearly distinguish the present invention from the cited

patents and that any switch, of the types described in the specification and known to persons having ordinary skill in the art, may be used in the present invention without exceeding the novel scope thereof. No new matter has been added.

Applicant hereby respectfully requests reconsideration and continued examination. A sincere effort has been made to overcome the Action's rejections and to place the application in allowable condition. Applicant invites the Examiner to call Applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

A petition for a one month extension of time is included herewith, along with a check to cover the fee for the petition. The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed. Further, should any other petition be required with respect to this reply and amendment, the Commissioner is respectfully requested to treat this paper as the necessary petition or petitions and to charge the petition fee(s) to the above noted deposit account.

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In view of the foregoing remarks and amendments, it is believed that the subject application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Daniel M. Gunkel", is written over a horizontal line.

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